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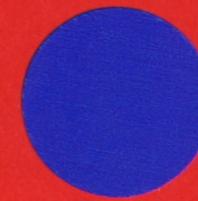
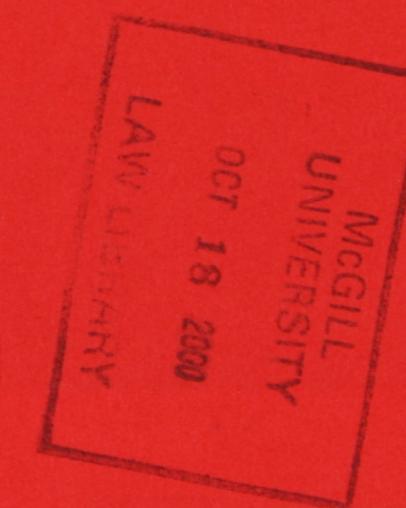
Quid Novi

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Perspectives

Meighan Leon Law II

After making it through a premiere year at law school fraught with trepidation, it is disconcerting to admit that this year, I have once again jumped on a foreboding bandwagon – one filled with hopeful, overzealous law students like myself vying for elite summer positions in swanky US and Canadian law firms. During the first month of school I have admittedly become consumed with the cumbersome process of scrutinizing each word on my CV and anxiously filtering through the endless pages of internet information detailing everything from firm culture and clients to practice and pro bono work. It is a lengthy, sometimes nauseating process, characterized by the undying hope that someone will take an interest in your life's accomplishments.

The impact of this process is easily identifiable: my self-proclaimed vow to actually keep up with my readings in second year was been replaced with application mania. My desk, normally occupied by diligently highlighted casebooks became covered in multiple piles of firm profiles. My bedroom was no longer a place of somber and rest but rather a transformed production line pumping out CV after CV.

I suddenly realized how consumed I had become with the application process.

In addition to the “simple” application process there are of course the added social pressures that accompany this annual job frenzy. Unfortunately, although most of us would hope that our comrades are all selected for a position, there are those students who approached this process as a war in which every other law student was their enemy. There were those spiteful comments aimed to weaken “opponent confidence” which filled the whispers of the hallways, and of course, the comrades who retained lists of threatening opponents with “suits” on.

During the application process itself I was fortunate enough to experience some much needed relief from the theatrics of law school. It came unexpectedly on a night that I had reserved specifically for completing all of my CV's (that in itself was wishful thinking!) As I poured myself a much needed cup of java the flirtatious glare of the tube caught my eye. Of course, I was instantly enticed to sit down for a 5 minute break. My roommate was watching “Hopkins 24-7”, an ABC program shadowing the real life experiences of doctors at the John Hopkins Medical School and Hospital in Baltimore. Unlike the characteristic exploitation that typifies so many media profiles, John Hopkins was a uniquely

sincere program, tracing the trials and tribulations of the hospital's particularly remarkable staff members. The current profile was focussing on a 40-something physician who looked more like a retired flower child from the 70's sexual revolution than a well-respected cancer specialist in one of the United States' top medical institutions. Even more intriguing than the doctor's sandy brown ponytail that casually draped the back of his neck, or his goofy ape-like prance through the halls of the hospital was the doctor's expertise; as his wife put it, it was helping people die. On filming day the doctor was casually leaning back in his office chair, glancing pensively at what was clearly a CAT scan. The top portion of the patient's brain was consumed by a tumor occupying nearly 75% of the overhead shot – the diagnosis required no explanation. As the doctor approached the 33 year-old mother he was remarkably poised, seemingly unconcerned with the repercussions of his impending news. He revealed his fatal discovery to her in an almost childish, delicate and yet unmistakably wise tone. The woman's lengthy fight with the tumor swelling in her brain was over. They had tried every method imaginable to sedate the en-

compassing cells, but the battle had been lost. The physician reminded the mother that they had worked as hard as they could, and that this was of course not her fault, all the while trying to lessen the grave seriousness of the circumstances. As he walked away he quietly remarked to the nurse how much harder it was to “tell” his patient's every time.

As the final credits rolled across the screen I was quickly reminded to return to my desk. However, as I peered into my room and glanced at the piles of papers strewn across the floor profiling law firm after law firm, I suddenly realized how consumed I had become with application process.

Law school and the eventual careers that we choose are very significant steps in our lives and warrant a great deal of attention and contemplation, but by no means are they the only momentous occasions in our lives, and they are certainly not life threatening.

I am not suggesting that we should live our lives in fear of uncontrollable circumstances or unexpected set-backs. Nor am I suggesting that the application process is not an important time in our lives....but a little bit of perspective in all of us sure wouldn't hurt.

Q ASK DR. PANZONFIAH

Dr. J.R. Panzonfiah

Dear Doctor:

We play co-rec intramural volleyball for McGill Law. We are good. Very good. But we have a concern related to our most recent game, and it is this: games are often after coffee house and everyone is hammered. We are incredibly obnoxious. Mike Kandev was singing Hava Nagilah at the top of his lungs and clapping the whole game, loudest when the opposing team was serving. We laugh at the other team when they make a mistake. Is this cool?

The Firm

Dear Firm,

Obnoxious play and expert gamesmanship are acceptable and even encouraged but some rules must be followed:

1. It is not cool to be obnoxious if you stink.
2. If you are winning, you can be as obnoxious as you want – all that matters is who gets the last laugh.
3. While it's true that the best players/teams don't need to trash talk or whoop it up because they know they're going to administer a severe beating and can therefore carry on about their business politely, this misses the point – being obnoxious is fun! (Why else would you play co-rec volleyball?)
4. Here are some valuable tips: singing during play and between points is obnoxious; singing "Na-na-na-na, hey hey hey, g-o-o-dbye!" after the first point of the game is highly obnoxious; doing the "running-man" while waiting to receive serve is very obnoxious; trying to hit on members of the opposite team is also very obnoxious; employing the expression "Boo-ya!" after successfully spiking the volleyball into an opposing player's face is the most obnoxious of all. All these behaviors should be encouraged.

Dear Doctor:

What do you make of all the hoopla surrounding the mierda in the Alternative?

Jen

Dear Jen,

Not much. On the one hand, we shouldn't care. Just draws more attention. On the other, if something goes over the line and offends enough people it's gotta go. Specifically, it is my medial opinion that the individual(s) responsible for the outrage suffer from acute f%^&*\$d-in-the-head syndrome, no doubt a result of excessive exposure to 2 Live Crew as children. It should also be noted that sometimes, if a garage seems too big, it's only because you're driving a compact car.

Please send your questions to drpanzonfiah@hotmail.com. Questions will be printed as submitted, with names or confidential. The doctor is always in.

next week theme: MUSIC

SUBMIT EARLY AND OFTEN

quid_novi@hotmail.com

Friday 5pm

Not in My Backyard

Elizabeth Gomery Law II

Three nights ago, my boyfriend and I came across the naked body of a young woman in an alley way half a block from where I live. From what we learned from some sketchy eye witness accounts and the police, she had been taken there, unconscious from drug abuse, and raped. When my boyfriend came across her, she was still unconscious, and when she was woken, had very little idea of what had happened, but was visibly upset that her leather jacket had been stolen.

This comes a short three weeks after my apartment was broken into and my laptop was stolen. I was at home at the time and I still can't get the noise of my front door closing while I was lying in bed hoping to fall back asleep. And this latest event comes at a time when I was just starting to get used to walking along de Baulion and seeing, on a daily basis, car windows smashed.

Since I've moved into my apartment, my neighbours have been robbed, I've been robbed, bars have gone up on the windows, the locks have been changed twice, a chain has been put on the back gate, and as I write, some dude is putting metal frames around the doors to make them sturdier. When I lived in Johannesburg, it took me eight keys to get through the locks between the front gate and my bedroom. I'm starting to get close to that here. I haven't told my parents about the young woman because I already know what their reaction will be. The same reaction that everyone else has had, and an understandable and probably quite reasonable one too: FOR GOD'S SAKE, LIZ, MOVE!! But, as I'm often told (affectionately, I'm sure), I'm pigheaded, and to boot, really angry, so I refuse.

I've also realized that for all my legal training, I am a useless citizen.

I refuse to move because I am furious that some guy (excuse the natural assumption that it's a man, but taking the rape into account, it's justified) has put my community under seige. My bay windows are constantly covered with blinds that are shut, the windows are closed, and I'm even starting to eye my sweet Golden Retriever and wonder why I didn't buy a Rottweiler. Some person or persons have taken it upon themselves to make my street their stomping ground for thuggery and violence and I've decided it's going to stop.

I've also realized that for all my legal training, I am a useless citizen. I thought learning the law would make me understand the system and know how to use it. But I don't even know when my city council presides, how to go about asking a question to my elected representatives (whose names I've never bothered to learn) or even where they meet. I wasn't always this lazy or oblivious, but my confidence that once I knew the law, I would know the system has led me down a path where now, when I feel helpless and frightened, I'm without any clue as to how to help myself. And that's because the law only goes so far. It'll be useful if and when the perpetrators are caught, and throughout the process surrounding that unlikely event. But right now, the law has not alleviated my fears or given me the tools necessary to take charge in my

community. If anything, there's a lacadesical sentiment that I should just leave the matter to the police. That they can make me safe, protect me. If I just give to the police the power to make me safe and comfortable, everything will be alright. Right?

Well, excuse me, but the police haven't done a hell of a job so far. And what kind of citizen does that make me? The implication in waiting for the police to do something is that I give up some of my rights with the understanding that they make me feel safe. How many of my rights do I need to sacrifice to do that? How much of a blind eye do I need so that they can find the perpetrators and arrest them? I am aware of the juncture I am at right now. I can go to the police, sob, tell them I'm scared, I need their help and protection, and the next time legislation is proposed that broadens police power and constrains the Charter, I'll say 'yes', I agree with that, there's too much crime. Or, I get off my ass and get a neighbourhood watch program started, meet my neighbours and make it known that we're staying and fighting to make the community stronger. Of course we'll want to liaise with the police, but on our terms, once we've met with members of the community and decided what needs to be done.

Perpetrators of crime, it seems to me, know exactly what kind of society they're living in these days. We have insurance to claim our losses from and a police force that is overwhelmed with their workload. I get robbed, I call the cops and then my insurance company. The cops tell me I shouldn't count on getting my computer back, but the insurance company tells me there's a cheque in the

mail. At the time, I believe my loss to be the computer, and the insurance company just took care of that for me. So I forget about the fact that the police won't launch an investigation and that one more criminal act has gone unpunished. Think about it, when you tell someone you got robbed, how quickly do they ask you if you were insured? That shouldn't be the point, but that's what has become important, the loss of the tangible valuable, not the loss of the sense of security and the right to be free of threat. Robbers know this, I'm sure. They count on the victims' sense of indignity to subside with the insurance cheque and it does, so they are less at a risk of being caught.

So I've had enough. I'm not moving, I'm staying exactly where I am because I like the neighbourhood, I love the apartment and I'm too damn stubborn. I'm going from door to door to meet my neighbours and set up a neighbourhood watch program. And I hope, and truly believe, that one of the people I will talk to will be the person who has been committing some of these acts. And I want them to see that things are going to change, that people are talking to each other and mobilizing, and I want him to know how it feels to be under seige. Then, will I know how to use the system and make it work for me.



My Kind of Law*

Bart Dzikowski Law II

Like many of you no doubt, I happily struggled out of bed at 4 am (following a 3-month long heavy-summer-drinking binge) just to hear that magical “You seem to be having problems using MARS” before being hung up on (Here, I am interrupted by Val and Sass to interject my train of thought with a ‘Hello to Val and Sass’). Like most of you, I got through 12 hours later to once again hear “You seem to be having problems using MARS,...but, hey, don’t worry!! All of your courses are full anyway, those that you have enrolled in will be cancelled, and we will move anything else that is on your schedule to second term while you’re in Europe (chuckle in background with someone referring to my marks).” Come to think of it, MARS knew a whole lot about me. Anyway, needless to say, most of my legal studies are taking place outside of the faculty at the various colleges and mail-away-for-your-degree type of institutions around world. In the past week or so, this is what I have learned about Entertainment Law:

Case law:

Σ In India, filmmakers have to abide by a judgment of the censors regarding the use of the word ‘sexy’. It states that the word can only be used in the right context. It is fine to say: ‘My pants are sexy. My shirt is also sexy’, but it is not possible to say: ‘Your mummy is sexy. Your daddy is also sexy’.

Σ In the early 1900s, the *Des Moines Register Newspaper* was sued for libel by the Cherry Sisters, an Iowa singing group who had been greatly offended by the paper’s review of their act which read:

“Their long skinny arms, equipped with talons at the extremities, swung mechanically, and anon waved frantically at the suffering audience. The mouths of their rancid features opened like caverns, and sound like the wailings of damned souls issued therefrom”.

The judge decided that the only way to render a fair judgment was to watch their act—he did so and ruled in favour of the paper.

Legislation:

- Σ In Egypt, belly dancers can only perform in public if their navels are covered in gauze.
- Σ In Gary, Indiana, it is illegal to go to the theatre within four hours of eating garlic.
- Σ In Winnetka, Illinois, on the other hand, you cannot take your shoes off in a theatre if your feet smell.
- Σ In Iowa, the law states ‘a one-armed piano player may be seen, but not if admission is charged to view his performance’.
- Σ In Star, Mississippi, it is illegal to ridicule public architecture.
- Σ In West Bengal, India, is illegal to play movies showing the act of kissing nor can films with kissing scenes be made in that area (there goes my video collection). In an official directive, the Minister of Education stated that ‘It might cause grave harm to society as they would act as a brain softener.’

Next week, I hope to venture into the complex area of Pet Law. And although my bloody-unlikely-to-ever-be-accredited College of Law at Barnyard, Omaha ‘professor’ (as uncle BillyBob likes to be called) warns me of the difficult concepts, I will try my best to keep you updated.

*Courtesy of Jenny Paschall & Ron Lyon, *Legal Lunacy from Around the World*

The Aboriginal Law Association will be holding its first meeting of the year on Monday, October 23rd, at 1:30 pm on the upper level of the Atrium.

We will be planning this semester’s activities and discussing ideas for future events. This meeting is open to all members of the law school, including those who have not as of yet responded to our previous membership notice.

Hope to see you there.

Karen Lajoie & Mary-Lee Armstrong

"This was the noblest Roman of them all"

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A Tribute to

PIERRE ELLIOTT TRUDEAU

Thomas Park BCL III

Before this article is in print, the Right Honourable Pierre Elliott Trudeau passed away, leaving a nation in mourning for one of its greatest leaders. This event moved me as I began to realize that this man, who has forged a vision of Canada that was premised on the principles of equality, justice and compassion, left us, leaving all Canadians wondering how to answer the question of national identity in the new millennium. I would like to take this opportunity to pay tribute to this great Canadian.

In power for 16 years, Trudeau forged a vision of Canada based on his concept of a "Just Society", where government was to be provider to a people in need. One thing that struck me the most was the passage of the Official Languages Act, which marked the full recognition of the importance of the French language to the Canadian identity. Despite protests from those that cried Trudeau was "shoving French down our throats", he pressed ahead to ensure that all Canadians whose mother tongues were French would be able to access services offered by the Government of Canada in both official languages. Interestingly, the youth of today, myself included of course, take it for granted that Canada is a bilingual country and we take pride in our ability to speak both languages. We forget that prior to the passage of the OLA, the only French signs displayed in the government could be found on the menu in the cafeteria of the Parliament. Presently, we expect any future prime minister to be able to communicate in both official languages. Mr. Day took great pains to ameliorate his French for his campaign, as a bilingual national leader is the norm, no longer the exception, in the mindset of Canadians. To this we owe to Mr. Trudeau.

I would like to take this opportunity to pay tribute to this great Canadian.

In terms of foreign affairs, not since Minister Axworthy's human security initiative has Canada had such a comprehensive and effective foreign policy initiative that cemented our reputation as a leading proponent in human rights and the entrenching of the international rule of law. The achievements he attained in his attempt to make Canada a global player in the international arena are numerous with profound repercussions in how Canadians are seen in the international community. With the assistance of Minister Ivan Head, then the minister of external affairs, they were able to forge a Canada committed to international development through the creation of CIDA, the formation of the Commonwealth into

a forum to discuss international development, and Canada's entry into the Francophonie (hard to believe that Canada was almost excluded from this organization). We are proud of our internationalist heritage and its effects are still felt today as this country basks in the goodwill and heartfelt gratitude of citizens of many less fortunate nations. My friend from Ethiopia said it best. "We received Canadian grain to help feed the refugees. The problem is that no one knew where Canada was. So, if it was a particular dry season, it's not unusual for framers to ask if it's raining in Canada. They always knew that if the crops failed, Canada would help feed their families."

Amidst the struggle of the two superpowers, where it was said "it doesn't matter if the elephants are making love or fighting; the grass still gets trampled", Trudeau ensured that Canadian viewpoints were listened to by the world's elite. Canada's entry into the G7 and the recognition of the People's Republic of China before the Nixon administration (where it is alleged that Nixon, upon hearing the news, called our former PM "an asshole") and his reduction of Canadian military commitment to NATO to lower the risk of nuclear annihilation are hallmarks of his belief that Canada would lift humanity from the abyss of a new global war into an age of peace and prosperity. His peace initiative, ridiculed by the Americans but joyously received by the rest of the world including the Soviet Union, earned him the Albert Einstein Peace Award and a nomination for the Nobel Peace Prize. We owe our great international reputation to Mr. Trudeau.

Most importantly of all, we have him to thank for the patriation of our constitution. We failed to understand that Canada had been discussing bringing our constitution home for more than 100 years to eliminate the last vestiges of British colonial rule, so that we may move forward as a free nation. Moreover, having worked with the Federal Court Challenges Program, it is clear that our understanding of this document is still young in our constitutional mindset. The Charter became a popular way in which individual Canadians can hold the governments, federal or provincial,

Continued on page 10

le 17 octobre 2000

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More Relections on Trudeau: A McGill Law Connection*

Matt de Vlieger LLB III

The death of Pierre Trudeau has generated a deluge of remembrances, recollections and reflections. In this spirit, I wanted to add to the record, in a small way, by relating the connection between Pierre Trudeau and a former giant of this faculty - Frank Scott.

Frank Scott had a distinguished career at McGill's Faculty of Law. His long tenure teaching at the faculty started in 1928 and included a stint as Dean from 1961-1964. He was one of Canada's leading constitutional law experts and in 1978 his *Essays on the Constitution* won the Governor-General's prize for non-fiction. Scott appeared infrequently as a litigator, but when he did he was invariably successful. Indeed, before the Supreme Court of Canada, Scott was successful in *Roncarelli v. Duplessis*, *Switzman v. Elbling* and the *Lady Chatterley's Lover* case - three landmark decisions. It was, thus, that Scott established himself as a major defender of civil liberties. In addition to his successes as a legal scholar and as a litigator, Scott was also a keen political player (he served as a longtime President of the CCF) and a highly-regarded poet. Although he would have preferred to have been remembered first and foremost as a poet, his remarkable contributions in his various areas of interest were impossible to ignore. Frank Scott's considerable and diverse talents won him many admirers and even disciples - including Pierre Elliott Trudeau.

Frank Scott and Pierre Trudeau had known each other since the early 1940s. At this time, Scott was already very active in academics and in politics and he frequently offered his views on the issues of the day in speeches and in newspapers. Trudeau was influenced by many of Scott's views on Canada and the constitution as an adjunct to a socialist philosophy which he shared. Said Trudeau: "[Frank] was a great hero of mine. It's been my contacts with Frank in his person and his actions that I absorbed much of my constitutional thinking." Indeed, Trudeau would not infrequently drop by Scott's office in Old Chancellor Day Hall to sound him out on his constitutional thinking.

In the summer of 1956, a Northern canoe trip had been arranged for Frank Scott before he left for a visiting professorship at Michigan State University - it would be the last trip of the season along the Mackenzie River before freeze-up and Scott was excited about the impending adventure. Trudeau, having heard about this trip, called Scott to ask if he could go along with him. While Scott enjoyed Trudeau's company, he was initially reluctant to share this great adventure. In the end, Scott acquiesced. Of his reasons for wanting to accompany Scott, Trudeau later recounted that he learned from Scott "almost as much by his poems, by his being and by his actions as by his writing...in an intellectual argument he always did me the honour of a fair hearing. So going on the Mackenzie with him wasn't just another adventure, of which I had many and which I like - it was a chance to be exposed to Frank Scott for days

and weeks." During this trip, as in much of their time together, Scott and Trudeau discussed topics such as democracy, bilingualism, civil liberties and the political future of Quebec and Canada.

That Trudeau's actions and achievements were in some measure influenced by the thoughts and writings of Frank Scott can be gleaned from the historical record. In 1939, Scott's paper "A Policy of Neutrality for Canada" appeared in *Foreign Affairs* and articulated a robust concept of the "just society." In 1943, Trudeau had heard Scott speak at the Université de Montréal on the subject of the Canadian Constitution where he was asserting the necessity of patriating the BNA Act. Scott was also an early advocate of an entrenched Bill of Rights. When Tommy Douglas brought the CCF to power in Saskatchewan in 1944, he quickly enlisted his friend Frank Scott as his constitutional adviser. Not surprisingly, Saskatchewan, alone in all of Canada, passed, in 1947, a bill of rights delineating by statute fundamental freedoms and rights. By 1950, Scott was the principal proponent of having rights and freedoms entrenched in the Canadian Constitution. Indeed, he advocated this view at a 1950 federal-provincial conference attended by Trudeau, then working for the Privy Council Office.

None of the foregoing is meant in any way to diminish Trudeau's remarkable achievements. Trudeau seized his opportunity and built these ideas into a legal framework for Canada. His incomparable talents and efforts allowed him to translate constitutional theory into Canada's current constitutional and political reality.

Trudeau's admiration of Scott was certainly reciprocated. This is evident from the following story from their Mackenzie River trip. At one point in their journey, they had arrived at some especially breath-taking and threatening rapids. Trudeau announced that he intended to go in. Scott, thinking it foolhardy, tried to dissuade him, but Trudeau persisted and entered. Scott was struck by Trudeau's daring and marked the occasion by penning the following poem:

Pierre, suddenly challenged,
Stripped and walked into the rapids,
Firming his feet against rock,
Standing white, in white water,
Leaning south up the current
To stem the downward rush,
A man testing his strength
Against the strength of his country.

* Note: Much of the information for this piece is gained from a reading of Sandra Djwa's biography of F.R. Scott, *The Politics of the Imagination*. To all those interested I highly recommend this biography, a copy of which can be found in the Nahum Gelber Library.

Curriculum Corner

Megan Stephens, VP Academic, 2000-2001

Non-lecture pass/fail law courses

Apparently I was less than clear in my explanations last time and unfortunately managed to induce panic in at least a handful of upper year students as a result. Forgive me! Anyhow, the total number of non-lecture pass/fail credits that students who started in 1999 or 2000 can take is 15. Due to the fact that there seem to be several third and fourth year students who have taken more than 15 non-lecture pass/fail credits, a decision has been made that there will be NO limit on the credits for students in those classes. I hope this clarifies the situation for you.

Examination conflicts

I was recently asked what qualifies as an exam conflict so that one exam can be rescheduled to be written at another time. It turns out the rules are pretty strict on this. If you have three exams in a row, that qualifies as a conflict. Please note though that three exams in a row literally means IN A ROW. In other words, you need to have an exam in the morning, afternoon and following morning (or ob-

viously afternoon, morning, afternoon) for it to be considered a conflict. If you happen to have two law exams scheduled for the exact same time, you should probably go talk to the OUS about this because you are not supposed to be allowed to register in two courses with the same exam time.

For those of you taking courses outside the Faculty of Law, if you end up having your exam for that course scheduled at the same time as a law exam, the Law Faculty apparently feels that you will need to negotiate a change in the non-law course exam time. In other words, they will not allow you to write your law exam at another time because of this. There may be some exceptions made to this rule, but I would definitely try moving the non-law exam before you ask the Faculty of Law to make any changes.

If you have any other curriculum or academic questions, please feel free to contact me at meganstephens@hotmail.com or leave a note for me in the LSA office!

The Just Society

Ben Archibald NAT IV

Driving along Avenue Des Pins on Thursday evening, I noticed the camera crews outside the art deco home of Prime Minister Pierre Elliott Trudeau, moments later I learned that the Prime Minister had passed away peacefully surrounded by his family. Although Trudeau has been out of the public eye for 16 years, his death has had a great impact on our nation; he captured our imagination and framed the public debate dominating the national landscape to this day.

As a Canadian law student, I have studied Trudeau's crowning achievement, the patriation of the Constitution from England and the enactment of the Canadian Charter of Rights and Freedoms. The Charter always gives rise to debate in the halls of the faculty, some show great disdain for the way in which the Charter was enacted and the way in which it imposed a defining "Canadian identity" on all of the country's citizens from coast to coast. The Charter debate intensified when we all studied the *Patriation Reference* in our first year constitutional law class. Patriation and the Charter were a bold attempt to sever our constitutional dependency on the Parliament at Westminster, vesting power in a bold and confident Canada. Projecting a model of cultural and linguistic integration, Trudeau's vision placed great faith in the capacity of the Canadian people to encounter each other with dignity, respect and common understanding. Yet, when forging new law and taking clear stands on issues such as the role of language and the constitution one cannot remain above the fray. Exhibiting incredible confidence bordering on arrogance, Trudeau never shied away from debate, he believed that reason would win out over passion and that reason was invariably on his side.

His looming presence follows law students throughout law school, as the questions return in many different forms: How has the Charter affected the distinction between law and politics? Why has the Court become more active in addressing broad socio-political issues affecting all Canadians? The answer is always the same: the vision, courage and audacity of Pierre Elliott Trudeau. Raising the profile of the courts through the canonization of Rights in the Charter and the renewal of federalism through bilingualism and equal treatment of the provinces is not without its critics. Many resent Trudeau's articles and pronouncements undermining the Meech Lake and Charlottetown Accords. However, no one suggests that Trudeau acted cynically or with personal interests in mind. Trudeau was unlike any politician this country has seen in his consistency of thought, belief and action. The late Prime Minister believed in equality for all people as expressed by section 15 of the Charter, true to his mantra he advocated reason over passion in building a just society. Politicians from across the political spectrum should step back and take note that the outpouring of affection for Trudeau crosses political and philosophical lines. Canadians recognize that politicians of courage do not spend their lives analyzing polls to cynically advance an agenda or retain their hold on power. As political writer Yoram Hazony writes, it takes an idea to move a people. The late Prime Minister had many ideas and continues to move all of us. I may not bump into the Prime Minister by chance on the streets of Montreal any longer but we will all continue to bump into his ideas, they will not die and they will continue to move us in our defence of equality, human rights and the building of a just society.

Goodbye Mr. Prime Minister you will be missed.

Trudeau Tribute form page 7

accountable for their lack of concern for a number of minority groups, a gross failing as a result of our wholly dysfunctional single member electoral system. Canadians can be assured that judicial system will no longer bow to Parliamentary sovereignty and protect individuals against abuse of powers. His commitment to energize the judicial system first began with the appointment of Justice Laskin to the Supreme Court, who finally tapped the potential of the highest court of the land to hold governments accountable to the rule of law. Ironically, the same judicial system that was empowered by the Constitution Act 1982 nearly spelled its ruin in the Patriation reference.

Perhaps I have been too forgiving of Mr. Trudeau. Talk to anybody from Western Canada and they, understandably so, will give you a different appreciation of his time in office. His lack of intervention in the collapse of the price of wheat, saying to farmers "why should I buy your wheat?", the heavily debated Official Languages Act, and the enactment of the National Energy Program, which isolated Canadian oil to international prices increases devastating oil companies and the provincial treasuries, certainly resulted in the presence of only two Liberal MP's from BC to Manitoba. Why, as a result of the Western revolt, we have the birth of the Trudeau Salute, his parting gift to a group of protestors on a train in Salmon, B.C. His drive to establish a strong central government at the expense of provincial sovereignty made him quite unpopular with a number of Quebecers, hence the popularity of Premier Lévesque, another great leader we should pay respect to.

I think one of the biggest criticism I have heard of Trudeau was the way he handled the Canadian economy. His economic policy was characterized by out of control government spending in a time of double digit inflation and unemployment. I wonder, though, whether this is a fair judgment. One has to realize that the depressed dollar was in many ways tied to the collapse of the Bretton Woods system as well as massive instability in global financial markets at the time. It was difficult to form sound fiscal policies (e.g. the different classes of the money supply employed by the Bank of Canada today, M1 M2 and M3, weren't created till the late 80's). Finally, free market economics was considered passé by most intellectuals at this period, much to the angst of the Business Council on National Issues, and demand side economics was the norm.

Yet, I think my admiration comes from his open and generous immigration policy that made it possible for my parents to forge a career in this great country. Being successful entrepreneurs with 2 sons finishing law school and a daughter commencing McGill Medicine, my family stands as a testament to the success of Trudeau's initiative to make Canada the home of so many in need around the world. Perhaps

that may explain why I will always associate the Federal Liberal party as the immigrant party. And no matter how many visible minorities Messrs. Manning and Day put behind them so the Alliance appears to be diverse during Question Period, it will never make me feel welcome in their ranks (I look forward to the next Federal election where I'm sure the large immigrant population of Markham Ontario will give Jim Jones a rude awakening).

Here was a man that loved his country. Although aloof and controversial, he stood up for his convictions and had the courage to strive for what he believed was best for Canada. He believed in a society that afforded all of its citizens an equal opportunity to succeed in life, no matter the backgrounds or beliefs. Although upon his resignation the Conservatives under Brian Mulroney quashed the newly anointed PM, John Turner, mostly as a result of Trudeau's patronage appointments, we cannot forget this man's accomplishments that helped forged a young federation to adopt its own identity after it shed the old British colonial one.

*He only, in a general honest thought
And common good to all, made one of them.
His life was gentle, and the elements
So mix'd in him that Nature might stand up
And say to all the world "This was a man!"*

Requiem in pace, Mr. Trudeau.

Top Ten Reasons Law School is Better than Med

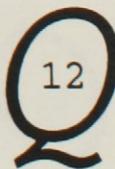
(submitted by Dean "Better Dead than Med" Taylor Nat IV)

10. No bedpans.
9. Never come home smelling of formaldehyde.
8. Dumb Sean from Survivor? Doctor.
7. Our clients rarely die when we screw up.
6. Kervorkian.
5. Us: \$1000 suits. Them: \$12 bloodstained pyjamas.
4. We get to *inflict* pain.
3. Coffee House.
2. Lawyers 'seldom' find themselves up to their elbows in blood.
1. No matter how many of them come in, it's still our library.

N

October 17, 2000

What's
going
on?



Kendall Kontroversy

Lawna Hurl, Editor-in-Chief

How much easier it is to be critical than to be correct.

-Benjamin Disraeli, 1860

Where is the line in the sand? How do you decide each week, on behalf of hundreds of students, what should or should not be published in the *Quid*? Most weeks this is easy. If you send it to us, we will publish it. The LSA and *Quid* constitutions both specify that the editorial board of the *Quid* exercises full and independent editorial control. It was not easy when we received an article entitled "I swear, I am Not Attracted to My Mother" written by first year student Morgan Kendall. In the end we chose to publish the article.

The motto should not be: forgive one another; rather, understand one another. -Emma Goldman, 1911

I anticipated criticism of the article as well as the choice to publish it. Disgust, anger, frustration and bewilderment are all understandable reactions to the piece. However, so are indifference, ignorance and unfortunately enjoyment. Each individual in this Faculty comes here with differences in every possible area of our lives and beliefs. That is part of what makes it great. It is unfortunate that some fellow students have chosen not to give myself or the editorial board the basic benefit of the doubt. For the record, the implications of publishing this article were discussed at length in an intelligent and critical manner. At least give us credit for that. And although, the final decision that was taken may not have been to your liking, I maintain that it is a defensible position. Further, I take full and total responsibility for the publication of this article.

Experience is the name everyone gives to their mistakes.

-Oscar Wilde, 1892

My first reaction to the article was that it was dumb, in fact, that remains my personal opinion. However, I also felt that the author did not have malicious intent. He may have thought he was being funny, flippant, subversive or even clever, none of which he actually was, but I do not think he understood (or even understands) the potential damage of his words. As a result, the bottom line for me in publishing the article was peer correction. In other words, I thought that this individual should 'be hung out to dry' and learn his lesson through reaction and comment by fellow students. In making the decision we attempted to outline all the possible outcomes of our decision. At no time did it occur to us that escalated work by this individual would appear in a separate publication which I will call 'what's his names photocopied sheets.'

May we know unity – without conformity.

-Dwight D. Eisenhower, 1957

It is very true that crisis brings out the best and the worst in people. As for the best, the editorial board of the *Quid* has been amazingly solid. And yes, take note, Scott Gracie has been particularly sensitive. Numerous students, who did not necessarily agree with my decision have also been very supportive and I thank them. I also want to point out that there were murmurs that Dean Taylor was behind the garbage seen on the *Quid* rack this week. He chose not to respond to something so incredulous but let me just say on a personal note that Dean is the kindest, nicest and most respectful person that I have met in this Faculty. He has always been a supporter of the *Quid* and if you don't know that, then you are just stupid.

Unfortunately, it has been said that a second publication appeared because the *Quid* is dull. Hmmm. SUBMIT THEN YOU BIG STUPIDHEAD! Although I think the point on anonymity has been proven more than adequately in the pages of the other paper. This point goes equally for those high minded judgmental people who were highly critical of our decision because they don't want to read such drivel in the pages of their *Quid*. Most of you have never submitted to the *Quid*, then what do you expect?

You don't have to like me or the decision that was made but that doesn't mean that you are right and I am wrong. It means that we differ in opinion and I am open to debate on this. I thought that is what higher education was for.

There cannot be a crisis next week. My schedule is already full.

-Henry A. Kissinger, 1977

I don't always like law school. All right, I rarely like law school, in fact, most of the time I loathe it. I do like the *Quid*. It is rarely perfect and sometimes controversial, but take it for what it is and make it what you want.

N

October 17, 2000

PRESIDENT'S MESSAGE

Al Presidente Mendelsohn NAT IV

"Be excellent to each other" - Bill S. Preston, Esq.
Bill and Ted's Excellent Adventure

Now of course you're all wondering what I've been smoking that would make me quote *Bill and Ted's Excellent Adventure*. I assure you I am perfectly straight as I write this. While Bill may have been a bit of an airhead (although nowhere near as much as Ted was), there is a real kernel of truth in what he had to say. He's just trying to say be nice to each other, and respect each other. That's my message for today.

Now why do I feel this message is important? Ordinarily, I wouldn't think I would have to give this type of message to our small community of law students. But unfortunately, two incidents have occurred this week which make me want to repeat this advice to everyone. Now I know the overwhelming majority of students don't need to hear this, but there are a couple of people out there who obviously need this message, judging by the two incidents.

The second incident to me was much more disturbing than the first, although I don't want to diminish the impact of the first. Members of the Grad Committee had worked very hard to create beautiful posters advertising "Grad Tuesdays" at Pino and Matteo's. Wonderful likenesses of muffins and cookies. I had seen their creation in the LSA Office, and it took many, many hours. Some of the signs were in English, some in French, as is common in our bilingual Faculty. On one of these beautiful signs in the Pit, some fucking idiot (pardon the language but that's really what I think of this person, although admittedly I am basing this assessment on one action) scrawled "this is not U de M, English, please." You're right, you fucking idiot, this isn't U de M. At least you have that much intelligence that you know where you are. To me, you are no better than the people in this province who attempted to bomb Second Cup establishments. I would say "go back to Osgoode" or something like that, but I feel I am above that sort of comment. I really have nothing further I want to say to you. Mais j'aimerais dire à mes amis et amies francophones (Anne-Val, Dan, Boris, Antoine,

I assure you I am perfectly straight as I write this.

First, we had the publication of The Alternative, a "newspaper" designed to be an alternative to the *Quid* and based on the principle of anonymity. First, you all should know that the LSA had no participation, financial or otherwise, or advance knowledge of the publication. The *Quid* is the newspaper of record for our Faculty, and the publication you and the LSA support. On a side note, I don't see why we need an "alternative" newspaper, given the open editorial policy of the *Quid*, but I digress. Anyway, this particular issue contained an article which was considered very offensive to a lot of women I know, not to mention some men. It could conceivably be considered sexual harassment, in that it promoted an offensive and degrading climate. So to the editors of The Alternative, I have a message. I support your right to free speech. But even the Supreme Court of Canada has stated that the freedom of speech of our Charter has limits. Consider the implications of what you publish. Be excellent to the rest of the Faculty. That's really all I want to, or can, say about this right now. I'm sure others in this issue have discussed this more eloquently than I, so I'll let you read their reaction.

PES, et al, et surtout Lia et Katherine qui ont travaillé si fort sur les affiches) et à tous et toutes les francophones de la faculté que l'opinion du fucking idiot n'est absolument pas l'opinion des anglophones à la Fac. Nous sommes fiers d'être dans un faculté bilingue, et heureux que nous restons dans une ville où il ya des cultures nombreux. Je suis certain que ce n'est pas une nouvelle pour vous autres, mais je pense que c'est nécessaire de le répéter maintenant.

People *can* be excellent to each other at law school. I saw it last week when Megan had her info and discussion session about non-law credits in the Moot Court. Everyone had different opinions and was very passionate about their positions, but everyone respected everyone else and was civil about the whole thing. I think our two perpetrators could learn a thing or two from Scott Gracie, and the (pardon the pun) grace he showed and respect to everyone, even as he disagreed with them.

Be excellent to each other. 'Nuff said.

le 17 octobre 2000

N

Dear *Quid*,

This week was a very emotional and reflective time for me as I marked the passing of our 15th Prime Minister, the Rt. Honourable Pierre Elliott Trudeau. In his eulogy to his father, Justin Trudeau touched upon many aspects of the man but two remarks were particularly outstanding:

- 1) the comment about his father advocating personal responsibility
- 2) the comment about his father teaching him about tolerance and about never attacking the individual regardless of what you felt about his/her views.

It is in light of this that I have a few comments of my own about the Oct. 3, 2000 issue of the *Quid*. I realise that the *Quid* focuses on all our views be it lighthearted and irreverant (Bridget Jones) to the more serious and profound (Human Rights, Aboriginal Issues). And though many may not agree with these articles, it is a reflection of our student faculty.

To: GQ or Morgan Kendall

Despite your youth, if you are going to have sexual relations, learn more about it. Safe sex should not be a concept but a practise. Hemorrhoids are not sexually transmissible. If you're currently under distress, perhaps it is a question of hygiene or a sign of something not so trivial - go seek out McGill Health Services.

To: Quid Editors

If Kendall's letter disturbed a majority of your board, perhaps it was because it was designed to be incendiary. However, you made your decision to publish it. Do not shun your responsibility of choice by printing a note at the bottom trying to absolve yourselves from the decision.

To: Karen Lajoie

Thank you for your article. It was gracious and clearly showed many of the values that we would all like to see in ourselves.

Thank you for your time and space dear *Quid*.

Kind regards,

Karen Shaw BCL III

Dear Quid Editors,

No doubt this letter will find a home nestled on a page of irate expressions of frustration after the stunning display of poor taste exhibited by young Mr. Kendall in your last issue. I myself debated for some time whether to bother with a response, which in my view accords far more import to this trifle than it merits, but given the general tenor of conversation in the hallways this week, I have gone against my better judgment and put pen to paper.

One of the pleasures of living in a democratic country is watching the fallout when someone goes out on a limb and says something vulgar, crude, unpopular, or misinformed. There will no doubt be letters decrying your decision to publish this item at all, a fascinating response from law students versed in constitutional issues and perhaps even taking a course in our Charter of Rights and Freedoms. Perhaps it is not the sort of thing we wish to read in our venerable *Quid*, which after all is supposed to loosely focus on items of general interest to all law students, but far be it from me to suggest an Editor should censor items based on tastefulness. Taste is, after all, a personal issue.

Frankly, if a new recruit to this hallowed institution wishes to display his callowness for all his peers to see in the *Quid*, so be it. It seems clear to me from my discussions with men and women of all years and ages this week that Mr. Kendall has unwittingly cast himself in the role of legal pinata, and has even provided the sticks. If he wanted to announce his arrival, he has certainly and effectively separated himself from the first-year pack. The larger question remains, why he would want to earn such a dubious reputation in the first place, but that remains a personal issue, alongside his many others.

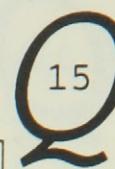
Freedom of expression is a double-edged sword, one that Mr. Kendall is no doubt finding thrust at him at regular intervals in the hallways this week. But exercising your right to say something tends to be more effective if you have something significant to say in the first place.

Illegitimus non carborendum.

Sincerely, **Karen Lajoie** **LLB III**

October 17, 2000

N



Response to the author of last week's article entitled

"I Swear, I am Not Attracted to my Mother"

Nathalie Gauthier - Law II

How one's GPA is not a reflection of one's intelligence...

First and foremost, I want to establish two things about myself: I am neither prudish nor a feminist, but reading your article left me with an after-taste of disgust. It was not so much the vulgar tone of your article that struck me as much as the irrelevance of its content. I explain:

- The way you referred to women's private parts was pretty offensive to many of us. How would you like it if I wrote about the size of your genitals in our law journal?
- In response to the following comment you made on the old woman's body: "let's just say that everything wasn't where it was supposed to be", let me give you a reality check: the passing of time will hit you someday too... and let's face it, if all women were looking for the Muscle Mag type of guy, I believe you would be pretty darn lonely!
- No, hemorrhoids are not contagious, and no, not all old women have them. But have you noticed any abdominal cramps lately? I suggest that you look more into constipation as the source of your discomfort. May I also suggest the Anatomy 101 course as one of your electives?
- Maybe you should consider taking some time between eating dinner and going 'straight to the sack' as you say, to actually get to know the person. Maybe then, and only "maybe", you wouldn't be as insecure and preoccupied with hypotheses and measurements during the act itself.
- As to letting women pay for you all the time, not only are you a "scrub" (as TLC put it), but you're a gigolo. Get a real job!
- Half of my guy friends have dated older women before and would recommend it to anyone, anytime. Maybe you're just not mature enough for the challenge.

Something for you to reflect on...

-No, there's no need for you to write about your first time in a next article. We get the picture: you have a very active sex life. Good for you...now, get a clue!!!

In conclusion, I must say that I pity the women who just give it too easy to guys like you: I wish they'd realize the kind of disrespect they attract on themselves and on all of us...

A proud sister, true and through,

An Open Letter of Remorse

Dear Mr. Morgan "GQ" Kendall:

Your "alternative" article of October 11th makes me very sad. Sad, because this seems to be your perception of what is alternative. Under the guise of free speech, you have chosen to make a statement that you might be aware is offensive and potentially derogatory.

If you are indeed aware of this, then I can only perceive your recounting of your experiences and commentary on female sexuality to be an attempt to gain quick notoriety at the Faculty. I know that you are new to McGill Law and probably wish to partake in the activities of the law school in some meaningful way. If this is the path you have chosen, I would encourage you to reconsider. The members of this Faculty are your peers and future colleagues. Someday, you may look across a boardroom table and see one of us there. You might wish to leave a better impression for the future. If you would like to know of some worthwhile causes or activities in which to engage, many people would be happy to provide you with them.

If you are unaware, I am even more distressed. This means that in the twenty-some years you have been a member of Canadian society, you have developed the perception that articles like this are appropriate and acceptable; moreover, that they have some inherent value to members of this Faculty. As I see it, articles that convey an outdated view of sexuality and repugnant opinions of women are not of value in this environment.

The Faculty is a professional environment, a place where individuals come from varying backgrounds to learn and contribute to an educational environment. In such a place, we treat our fellow students with respect both on an individual basis and in the way we comport ourselves. It is just as inappropriate to jack off verbally in a publication distributed in the Faculty as it would be to jack off physically in the middle of your Constitutional Law class. It's offensive, it's childish and it reflects a lack of ability to discern where and when is the time and place for something.

I'm not condemning discussions of sexuality. On the contrary, a well thought out, well intended and nuanced discussion of sexual mores and practices is interesting and beneficial. Yours, Mr. Kendall, was none of the above. It was explicit in a way that sought only to offend and shock. It was informed only by your own narrow opinions and views (I hope). It denigrates sex, sexuality and relationships between men and women in a way that makes *Cosmopolitan* seem like a Wollstonecraft pamphlet.

I don't know who you are, Mr. Kendall, but I know what you are not. You are not a subversive, a rebel, or a champion of the rights of free speech. You are merely an indicator of the need for better articulated standard of behaviour in our admissions brochure.

Yours respectfully,

Jeanette Gevikoglu

le 17 octobre 2000

N

Give it a Rest

Tony Hoffman LLB III

In case you've been hiding under a rock for the last two weeks, there has been an enormous fracas brewing at the faculty. I'm not speaking here about the proposal to nix out-of-faculty credits. I'm speaking of the generally virulent reaction to a pair of articles published in the *Quid Novi*, and then in the so-called 'Alternative' the following week. The reaction has been, to say the least, a gigantic shitstorm, not least for the author himself. In cases like this, I try and follow General Colin Powell's rules – specifically rules 10, 2, and 1. They are, respectively:

10. *Remain calm. Be kind.*
2. *Get mad, then get over it; and*
1. *It ain't as bad as you think. It will look better in the morning.*

Now, before I get stretched on the same rack as the author of those articles, I should say two things: first, I think the articles were silly, did more harm than good (principally to the author), and showed a rather astounding lack of judgment (As G.B. Shaw wrote: "*Hell is paved with good intentions, not with bad ones.*"); and second, the reaction to those articles was equally silly, did more harm than good (in this case by adding to the already tension-filled atmosphere of the faculty), and showed a surprising lack of judgment (G.K. Chesterton wrote: "*A puritan is a person who pours righteous indignation into the wrong things.*").

carry out – to my total disbelief), or even that he should be killed (I kid you not. This was said). This sort of reaction smacks more of reactionary fascism than of an institution of higher learning such as McGill. I have heard people saying that they no longer want their student fees to support the *Quid Novi*, and that they shouldn't have to read this sort of thing in 'their' newspaper – spoken incidentally, by a person who has not showed the slightest indication of wishing to contribute to the editorial content of the *Quid*.

Censorship is not the answer, and neither is drawing and quartering the author. Yes, he made a colossal mistake – one that I'm reasonably sure he will regret for the rest of his law school career, if not the rest of his life, but I have to question the motives of those that would take the issue further. In Lord Byron's words: "*The reading or non-reading a book will never keep down a single petticoat.*" Were I a cynic, I would say that collective memory lasts no more than a week, but the fact is that this sort of thing follows you to your grave – long after this issue has been relegated to the backburner in favour of such pressing issues as non-law course credit.

To those who claim that such writing, even such *thought*, has no place in this faculty, I would remind them of article 2(b) of the CCRF, which guarantees "*freedom of thought, belief, opinion, and expression, including freedom of the press, and other media of communication*".

This sort of reaction smacks more of reactionary facism than of an institution of higher learning such as McGill.

Since the articles were published, I think I've heard almost every criticism of the articles, every criticism of the author, and every criticism (and condemnation) of those who would even dare to think something like that which he wrote. *And this from men and women alike*. In fact, what started as a genuine, and very often (so far as I have seen) incredulous concern that what was said was, to say the least, in bad taste has turned into something far more sinister. I'm not arguing for the merits of the articles – they weren't Pulitzer Prize material. What I do take issue with is the instant, venomous reaction that has taken on the tone of a witch hunt. I have overheard people saying that the author's life should be ruined (a threat which I believe the speaker firmly intended to

For those who have not quite grasped my point, there are two questions which may illuminate things: One, what makes you think, or gives you the *right* to think, that you are somehow better or above those who frequent all those newsstands, and are therefore entitled to an insulated and coddled environment hidden from all the bad people?; and two, isn't the systematic and immediate condemnation of the author exactly the same sort of idiocy of which the author is himself guilty? It seems our hypocrisy knows no bounds – we are now engaged in *precisely* the same sort of destruction of freedom which being a lawyer entails protecting. In keeping with Quentin Crisp's maxim that "*euphemisms are unpleasant truths wearing diplomatic cologne*", and

indeed, with my own predilection for clarity of thought, I will not mince words. I think we, individually as well as a faculty, have bigger fish to fry. I am not for one second condoning what was said in the articles – I do not wish this to be the impression I create, and it is NOT what I am saying. What I AM saying is that I have heard otherwise intelligent, well-spoken, and otherwise coherent individuals make threats that have no more place here than the misogyny and fundamental lack of taste and tact in question.

Oscar Wilde once wrote that “*morality is simply the attitude we adopt towards people we personally dislike*”, and I think it hypocritical in the extreme to invoke the necessity of censorship in the very institution where we are trained to fight against such action. In essence, and in plain English, you don’t have to like the author (nor, for that matter, do you need to like me), and you are free to take what action you see fit, but he is a person just like you – a doofus perhaps – but a person nonetheless. Try only to remember that we are all adults here, and we can chose what we read or don’t read. If you don’t like the first two lines, or someone tells you that it’s a disgusting article, ***don’t read it!*** If you do, it’s like being warned that a stove is hot, and having to see for yourself. Frankly, I have no more respect for those who would pound on a thumbtack with a sledgehammer than for the author of the articles. Just as the author trod beyond the bounds of the reasonable in his writing, so too does lodging a criminal complaint against the author.

There is also the cultural aspect to consider. It is worth noting that, having spoken to a number of exchange students from Europe and elsewhere, I noticed an interesting trend. These people expressed disbelief at two things: the incredible conservatism of this faculty and the fundamental and total lack of sense of humour exhibited by its members. I don’t mean that what was written was ‘ha-ha’ funny. Though I think it was intended to be such, it wasn’t. But the fact remains that to walk around the faculty, one would think that slavery had been reinstated, such was the reaction. Again, other fish to fry.

Finally, I wish to address specifically the claim that what the author wrote somehow makes the environment of the faculty intolerable and toxic. I don’t deny that in this post-modern world, everything depends on perception, and I don’t doubt that those women who make this claim feel precisely that toxicity, but I do ask why? The insulated fishbowl that is this faculty is a total fabrication, and I don’t see the benefit in pretending that the outside world doesn’t exist. If I decided to hate every person that said something that insulted me or made me feel uncomfortable, the list of people I like would be pretty short. It comes down to a tolerance for stupidity, ignorance and, in this case, a seriously misguided sense of humour.

One has only to walk down the street to see lingerie posters absolutely rife with bare skin and, *gasp*, sexuality, or walk

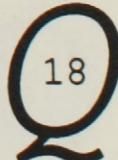
into a magazine store to see shelves lined with pseudo-pornographic (and in the case of MaXiM, exceedingly funny, I might add) and flat-out pornographic magazines. Does that mean the whole world is toxic, and the publishers of virtually every magazine that might be construed as offensive should be crucified as the author of the two articles may be? I would also argue, in passing, that the faculty environment was toxic before this supposed heresy. Yes, the articles in the *Quid Novi* and the *Alternative* were more ‘in your face’ and more virulent, but if I might hazard a guess, this may have been the intention of the author – however badly it was executed.

Do not, however, labour under the impression that I pity the author his fate. There is a limit, he stepped over it, and boy, has he paid. You reap what you sow, and he brought this on himself by not understanding the first time around that his comments were not appreciated. I fail to understand, however, how an adolescent, and dare I say ‘Sternian’, attempt at humour can suddenly render an environment such as the faculty any more toxic than it already is.

I would also point out that though it is much more subtle, some of the same genre of invective is often directed at men, and is no less destructive. For instance, I am a White, Anglo-Saxon Protestant male. There is nothing I can do about it. And whether women want to admit it or not, I say with conviction that to be sneeringly referred to as such is no less hurtful to me than for a woman to be called an insufferable c***. No, it doesn’t refer to my body – it refers to my mind and my mindset, and is no less evil. I have to assume, however, that we are old enough to remember that “sticks and stones can break my bones, but names will never hurt me”. I could, for instance, easily whine about how hard it is to be a ‘WASP’ today – starting, notably, with the fact that there are more women in this faculty than men. But I don’t because I don’t need to.

What I am asking all of us to do? Take a step back. Take a moment to think about what you’re doing. Then get over it. The accusation of being a ‘WASP’ means nothing to me, and so a badly written, misogynistic, and flat-out idiotic tirade should, in this time and place, mean nothing to women. I am perfectly willing to admit that I don’t understand why women can take exception to such flat out comments while buying copies of the latest issue of *Vogue*, *Elle*, etc. – media which I firmly believe have infinitely more far-reaching and serious consequences to the female identity.

There are better fights to be fought. The fact that a large number of my female friends have been *physically* assaulted is much more important to me than the childish ramblings of a person whom I am sure has now realized his folly. All that said, you choose your own battles, and if you choose vengeance and the creation of a martyr, then it is your prerogative to do so. It will remain to be seen, however, who will be the laughing-stock in the final analysis.



Jungle Drums

Dean Taylor NAT IV

"But he's not coming back anymore.... It's up to all of us now."

-Justin Trudeau

First things first: "Jungle Drums" is the name of a fanzine for the Glasgow Celtic Football Club, named after the infamous "Jungle" section in the North Stand at Celtic Park. The Jungle was a notorious section of the stands, known for its noise level in support of the home side. And after a few weeks of seeing what is going on around here, I think it is time that the home supporters made some noise of their own.

This was actually going to be about Pierre Trudeau. And I guess in a roundabout way, it is about him. But it is more about what has happened since he passed away a few weeks ago. I wonder what he would have thought about the past few weeks. He probably wouldn't have thought much of the three students in this Faculty who made fun of Justin Trudeau's "Friends, Romans, Countrymen" opening. You insensitive clods. A young man just lost his father, can't go anywhere for a week without a camera in his face, and you made fun of his eulogy? Grow up and try to prove that the Admissions Committee didn't make a grave mistake by accepting you.

when you applied to the one Faculty of Law IN THE COUNTRY that makes a point of celebrating its commitment to a bilingual environment? And don't try to insult anyone's intelligence by claiming it was "just a joke". It is no more a joke than English soccer fans throwing bananas at black players; it is disgusting and has no place here or anywhere else.

You will notice that I put my name on my articles. Why? I enjoy seeing my name in print. I enjoy it when people tell me what they thought of my articles. I am not afraid that someone will disagree with me. Names do not stifle creativity and debate. Cowardice does. Lack of conviction does. If you have something to say but don't have the integrity to back it up, I would rather not read it, thank you very much. This Faculty is supposed to be filled with people mature enough to handle discussion and debate. Disagree with someone? Tell them. Talk to them. Write your viewpoint. Don't hide behind a pseudonym to avoid a mature and (hope-

Names do not stifle creativity and debate. Cowardice does.

You see, I think Trudeau would have liked the idea of the Faculty of Law at McGill. Bilingual, bi-juridical, a place where (in theory) Canadians from all over the country come to learn about the law, and maybe about each other. Unfortunately, some of the things in this Faculty would make Trudeau sick. Ugly, petty bickering. This all-consuming drive for better grades. An uproar over who is scamming the system (or being screwed by it, depending on your side of the fence) over ridiculous non-law credits. Blatant racism.

Yes, I said blatant racism. To whomever defaced the Grad Committee sign in the Pit with your "This is not U de M, English please" nonsense, let me say this: You are a racist, and a coward, and no better than the punks who put bombs in front of the Second Cup. What were you thinking when you wrote that? More importantly, what were you thinking

fully) rational exchange of ideas. Of course, if I had written the offensive or just mind-crushingly boring stuff in that disgusting rag circulated by a certain new student I probably wouldn't want my name on it either. It's one thing to write and not sign your name. It's quite another to write something that bad and not sign your name.

This place is all wrong. And at a time when the Canadiens and their brittle captain can't win, the Yankees are steamrolling towards another World Series, England can't even beat Finland (for cripes sake) and the best player on the Celtics just got stabbed 11 times, this is a bad time for this Faculty to go wrong. Because he's not coming back. It is up to us. And if we don't fix it soon, then I will be happy to leave in April. And I won't come back anymore either. Break out the drums. Start supporting the home side.

P.S. And, the horse you rode in on.

Qu'adviens-tu du RESPECT?

Lizanne Brunelle Law II

Le respect. On pourrait facilement prétendre qu'il s'agit d'une valeur profondément ancrée dans notre société. En l'an 2000, qui ne sait pas ce qu'est le respect? Le dogmatisme dans lequel nous vivons nous portera à répondre à la question par cette banalité: "Ben franchement, personne!". Or, il semblerait que notre bonne vieille valeur qui nous a si bien servis pendant toutes ces années, devienne malheureusement de plus en plus "out". À qui profite cette perte de popularité qui, croyez-moi, n'a rien pour nous avantage? Elle profite à l'individualisme. Petit à petit, on a tendance à orienter nos interactions vers soi-même, au détriment de l'approche altruiste.

Cet article se veut être une tentative de sensibilisation à cette valeur fondamentale qui a de moins en moins la cote. Notre faculté est malheureusement, elle aussi, la victime de la fulgurante ascension de la doctrine du "Je, Moi, et Moi-même". Adieu respect et tolérance, bonjour nombrilisme et égocentrisme!

Tout d'abord, je tiens à souligner à tous que l'article 2(b) de la Charte Canadienne des Droits de la Personne a une limite. Cette limite a d'ailleurs été reconnue dans de nombreux jugements. La liberté d'expression des uns se termine là où le droit (respect-diffamation) des autres commence. Bref, cela s'apparente au principe du voisinage. On a droit de profiter des bonnes choses, mais il faut toutefois s'aviser de ne point en abuser.

Ce que vous vous apprêtez à lire est une réplique à la parution de "The Alternative". Le caractère offensif et d'un mauvais goût certain de cette parution en a laissé plus d'un perplexe. La liberté d'expression est un bon outil pour l'ouvrier qui sait s'en servir, mais elle peut devenir une arme pour celui qui en ignore le fonctionnement. Chacun a droit d'exprimer son désaccord envers quelque chose; il lui est même permis de trouver des moyens pour réformer ce qui lui déplaît. Il s'agit, dans ce cas, de critique constructive et d'un usage prescrit du droit à la liberté d'expression. Quel gâchis que d'utiliser ce même droit dans le but de dévoiler les détails les plus sordides de sa vie intime! WHO CARES??? C'est à croire que des exemplaires de "Hustler" seront bientôt disponibles à côté de ceux du Quid! S'il-vous-plaît, faites preuve d'un peu de bon goût et surtout de JUGEMENT! On n'est pas au dépanneur du coin dans la section au fond du couloir, mais bien dans une faculté de droit. Cela ne veut pas dire qu'il faille se prendre trop au sérieux: juste un peu, tel que requis par les circonstances.

Malheureusement, là ne s'arrête pas ma déception et ma frustration. J'ai, à mon grand désarroi, constaté qu'un(e) petit(e) malin(gne) s'est amusé à écrire des commentaires désobligants sur les affiches du comité de la graduation. Quel flagrant manque de respect! Le mot vandalisme, est-ce que ça vous dit quelque chose? Un étudiant en droit qui contrevient de façon aussi primitive à la loi: ironique n'est-ce pas? Quelle façon pitoyable d'exprimer haut et fort son opinion! Je tiens aussi à souligner à cette personne que c'est avec fierté que notre faculté peut vanter son bilinguisme et qu'une telle attitude va totalement à l'encontre des valeurs que tous tentent de promouvoir. Le français aussi a sa place!

Finalement, j'aimerais faire une petite remarque concernant ces étudiants qui ne savent faire autre chose durant les cours que de se moquer des autres. Eh! Oui. Je croyais que cette attitude, caractéristique d'une incontestable immaturité, se terminait avec la réception du diplôme d'études secondaires! N'avez-vous rien de mieux à faire que de commenter les vêtements de vos collègues? Je suis convaincue que vous pouvez trouver mieux... Désolée de vous décevoir, mais ce n'est plus "cool" de passer ce genre de commentaires à l'université!

Mais où est donc passé le respect? Devons-nous conclure, en nous basant sur les quelques exemples que j'ai rapporté, à un refus général de reconnaître le respect comme une des valeurs fondamentales de notre société? Espérons que non...

Face the Music

Rebecca Hare Law II

So, I don't know how many of you noticed the little note in the last *Quid* but on page 19 it was clearly stated that the theme for the next *Quid* (i.e. this one) was supposed to be MUSIC. That's right - MUSIC. But as I sit here on Saturday morning, I am starting to realize that this issue is not going to be about MUSIC. (In case you haven't figured it out yet, I am pretty bitter about this.) Let me just come right out and say that MUSIC is why I get up in the morning. So I thought that if I could get an entire issue of the *Quid* in which law students demonstrate that they can still appreciate the good things in life I would be able to come to school everyday thinking, "Hey, it's not so bad here". And, to be perfectly honest, most days this is not something I can say (at least, not without a heavy dose of sarcasm). I find this faculty draining and I'm not in any way referring to the curriculum. I am referring to the complete and utter nonsense that seems to run rampant here. Case in point - the GQ Kendall scandal. So, seeing as this feeding frenzy has overshadowed my MUSIC issue, I've decided to contribute my two-cents.

At this point in the article, please be advised of the following: the author of this piece is a self-righteous bitch. If you think her views may offend, please turn the page now.

OK. If you took offence to the GQ article, you are probably now in the process of placing blame. As I see it, there are three obvious choices.

I. Morgan Kendall

A young man with poor judgement? A joke gone wrong? An unabashed woman-hater? I don't know and I am not overly concerned. Whatever his views, he is one person. The reality is that for every person who read the article and was offended, there was another person who read it and said, "what's offensive about this?" hanging Morgan out to dry may make some people feel better but it does nothing to solve any of the bigger problems.

II. The *Quid*

How could a student paper publish this? I really don't want to go into the details about why the article was published but I will say that I completely supported its inclusion in the *Quid*. I could give numerous reasons for my position but really it comes down to this: If the article serves to open a dialogue about what constitutes sexually offensive material then its publication is beneficial, not detrimental, to women and this Faculty as a whole. I am not saying that the *Quid* should start publishing hate speech in order to spur discussion of these types of ideas. I am saying that in those grey-area cases, like the GQ article, it is best to put the thoughts out there so that they may be challenged.

III. Society

Morgan Kendall does not exist in a vacuum. He is not some freakish aberration. His views represent those of many and are the inevitable product of a society in which sexual equality has yet to be realized. That's right kids, sexual equality is not the reality in our society.

So, if you read the article and were offended by it, get angry. Get very angry. Work up some rage. But please, channel this rage and use it appropriately. Rage Against The Machine.

Dear Morgan "I swear I am not attracted to my Mother" Kendall of Law I,

You're one twisted little dude.

Sincerely,
Bart Dzikowski Law II

A Right to Respond

Morgan Kendall Law I

What a last couple of weeks!

The comments I've been getting! Of course, one girl asked me if I had hemorrhoids. Two women I don't know stopped me in the halls and asked, "Are you Morgan? Your article was dumb and offensive." A lot of my friends asked, "Morgan, what about your standing in the faculty, your entire future?!" I heard about grumbling from upper-year students who were saying that I had tarnished the law school's reputation and that I was consequently jeopardizing their chances of finding a job. People were even talking about the possibility of me getting kicked out! In fact, while I'm writing this article in the computer lab, people right next to me are talking about what a prick I am. The most disturbing comments though had to be from guys trying to pimp their moms: "Hey Morgan, you wanna do my mom? C'mon, she's really old!"

A lot of people missed the point of what I was trying to do, fans and critics alike, and I would therefore like to set the record straight. Both men and women are expressing the concern that my two articles constitute a sexist, misogynist brand of humor. I would just like to make it clear in this article that that was not at all my intention.

GQ is a persona very loosely based on reality. This persona is not very good with women; that part, unfortunately, is true. Nevertheless, what that persona has to say about just about anything, especially women, is not to be taken as my view or the view that I think any rational sensitive person should possess. GQ's views are misogynist and offensive. I was hoping though that GQ's views would be so stereotypically sexist, so obviously ludicrous that people could not help but understand that I thought that those views were wrong. By being so over the top, I was attempting to poke fun at the very views that I'm now being criticized for. Hey, if people actually think that I espouse GQ's views, then I completely understand why they are upset with me. I would just like to make clear that I do not hold those views.

I obviously underestimated the potential risk of my articles being misunderstood. The sort of sexist humor that I was attacking is rampant in our society. And given that pervasiveness, I knew that some people would misinterpret what I was saying. After I heard that people thought that the first article was offensive, I realized that I was not being clear enough. As a result, I tried to go so over the top, so deeply into misogynist territory in the second that I believed the point to be much much clearer. Unfortunately, that got me into even more trouble. I honestly did not expect though that the misunderstanding would be this widespread. People I used to talk to don't even say hi anymore. I heard some woman even wanted to kill me!

That leads me to the question of punishment. Don't you think it's punishment enough that I'll never get a date in this faculty? Most girls think that I'm a sexist pig, that I'm immature, and that I have serious issues in bed. And all girls think at least one of the three.

The other question I've been asked is why I thought it was appropriate to submit my articles to law school journals. I guess it is legitimate to ask why, despite my anti-sexist goals, I would talk about vulgar things like oral sex in law school? To tell you the truth, the articles really weren't good enough to be published anywhere else.

How about we make a deal? I will promise not to talk about uncomfortable issues in the future and I will try not to say anything that could be misinterpreted as being offensive.

As always Morgan and GQ can be reached at gq@emerge.ca

October 17, 2000



He Don't Get It

Scott Gracie Law II

In this article I shall address two issues that have been on my mind this week. The first is the lack of personal integrity displayed by some students and the second is the recent desire of a certain student to proclaim his sexual issues.

I have, in a secret sort of way, been an admirer of the fact that judges put their names to their decisions. This allows subsequent members of the bench, lawyers and law students to discuss their views. I am sure we have all read cases where someone agrees or disagrees with Lord Denning. I consider this to be symbolic of the integrity of the bench. In essence, they "put their money where their mouth is". I also feel this integrity should spread to those who wish to express an opinion, whether controversial or otherwise, amongst the law school population. To me, if you don't put your name to it then your opinion is essentially worthless, because you are not willing stand up for what you believe. They display what someone from my past, Sergeant-Major Preeper, would describe as "a complete lack of intestinal fortitude". I realize to many this may seem extreme but that's my opinion, and you will notice that I put my name to it.

The central point of the letter is the one that I find to be the most curious and bizarre. It is that we, the students of this faculty, misunderstand the author. As an alternative I suggest that it is the author who has misinterpreted where he is and that his actions may constitute sexual harassment under the Charter of Students' Rights. I suggest he read chapter four before putting pen to paper again. Additionally, if such a large percentage of people find such writing offensive that perhaps it is time for some internal reflection and the abandonment of the "I am not wrong, you just don't understand me" mantra that seems to underline the author's letter in this issue.

Furthermore, whether or not it was the author's intention to deliberately degrade women and make them feel uncomfortable the fact is that he has. The one essential thing that I find missing from the letter is any acknowledgement of that responsibility and a sincere apology. I also find the author's "justifications" for his actions to be laughable and the most expressive example of backpedaling I have seen in quite a while. If he had a point to make I think it is obvious that it has been a failure.

I suggest the following life lesson: law school is like living in a vacuum, but unlike in a vacuum what happens here follows us forever.

The next issue is, of course, the recent exposé of filth that has crept into this faculty and offended many. One of the privileges of working for the *Quid* is reading the submissions that pour in each week. Some are good, and some are tasteless as was evidenced with the last issue. I stand behind the editorial policy of the *Quid* that allows students to express views, and even on occasion to put their foot in their mouth. No one could, however, anticipate the recent garbage that a few students decided was appropriate material to be disseminated in the faculty. It is, therefore, with great interest that I read the "clarification letter" from the student who seems to be responsible for making a great many people uncomfortable that is contained in this issue. I will now address some statements made in that letter. I will not, however, critique the character of the writer as I feel that his recent penmanship is indicative enough of that.

As for punishment, the author is probably unaware of the fact that the greatest—and possibly irreparable—damage has already been done. The author is now known to students and faculty—not as a champion mooter or an excellent student—but by the many synonyms of the word misogynist. It is this idea that will be in the minds of those that leave here and begin working in law firms and other areas. It will most certainly pop into their mind when his resume crosses their desk and I have no doubt that many will be very straightforward in their opinion to any hiring committee. I suggest the following life lesson: law school is like living in a vacuum, but unlike in a vacuum what happens here follows us forever. I therefore recommend that it be in the author's best interest to reevaluate his recent escapades in this light.

This should be done as soon as possible.

What
just
happened?

Thank God for Canada

thanks to Andrew Bryan Law I for pointing this site out.

Things that George W. Bush has said on the Campaign Trail - <http://politics.slate.msn.com/Features/bushisms/bushisms.asp>

"I think if you know what you believe, it makes it a lot easier to answer questions. I can't answer your question."
—In response to a question about whether he wished he could take back any of his answers in the first debate.
 Reynoldsburg, Ohio, Oct. 4, 2000

"I know the human being and fish can coexist peacefully."—Saginaw, Mich., Sept. 29, 2000

"It is clear our nation is reliant upon big foreign oil. More and more of our imports come from overseas."
 —Beaverton, Ore., Sep. 25, 2000

"Well, I think if you say you're going to do something and don't do it, that's trustworthiness."
 —CNN online chat, Aug. 30, 2000

"I don't know whether I'm going to win or not. I think I am. I do know I'm ready for the job. And, if not, that's just the way it goes."

—Des Moines, Iowa, Aug. 21, 2000

"States should have the right to enact reasonable laws and restrictions particularly to end the inhumane practice of ending a life that otherwise could live."

—Cleveland, June 29, 2000

"It's clearly a budget. It's got a lot of numbers in it."—Reuters, May 5, 2000

"I know how hard it is for you to put food on your family."—Greater Nashua, N.H., Chamber of Commerce, Jan. 27, 2000

"Rarely is the question asked: Is our children learning?"—Florence, S.C., Jan. 11, 2000

2000 IOSCO Seminar Training Program — Volunteers Needed

ARE YOU INTERESTED IN SECURITIES REGULATION?
 ARE YOU INTERESTED IN THE DEVELOPMENT OF CAPITAL MARKETS?

If you answered these questions with a "YES", then you would be interested in helping out at the **2000 Seminar Training Programme** (STP) of the **International Organisation of Securities Commissions** (IOSCO) to be held from 23 - 27 October in Montreal at the Wyndham Hotel.

The Seminar Training Programme is IOSCO's flagship educational programme. The theme of this year's Program is "Securities Regulation in the New Economy". The STP will provide practical training and present information and techniques for over 100 securities regulators from all over the world.

What will be my responsibilities?

- Assist with the logistics and serve as a resource person for the participants;
- Have documents photocopied;
- Distribute documents to the participants;
- Direct the demands and requests of the participants to the relevant organiser;
- Inform participants about events;
- Direct the participants within the Hotel;
- Be in charge of registration of the participants.

What do I get for volunteering?

- Participate at the seminar. Meet with participants and speakers from all over the world (people from NASDAQ, NYSE, OSC etc.).
- Get the full binder of documents;
- Attend the opening cocktail at the Wyndham Hotel;
- Attend the closing dinner at Bistro a Champlin
- Have free lunch at the Wyndham Hotel on the days when I volunteer.

If you are interested, please contact Mike KANDEV at kandevm@lsa.lan.mcgill.ca or at 514-368-0477.
 For more information on IOSCO go to www.iosco.org

le 17 octobre 2000

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The Goat is the Essential Element

David A. Johnson BCL III

It was wunderbar of the editors at the *Quid* to publish the two 'articles' that I submitted. However, I was duped by an unforeseeable red herring by the inclusion of David Letterman's top ten list on the same page as the problem. The list really had nothing to do with the problem unless maybe you substituted Al Gore for the goat (and Dubya for the wolf). I also wish that they had not italicized everything since it becomes annoying to read. All is forgiven though because my name was set in such a large typeface that I felt I could cut it out and use as a nametag – you know, for conferences and things.

Recall the problem:

A man has to take a wolf, a goat, and some cabbage across a river. His rowboat has enough room for the man plus either the wolf or the goat or the cabbage. If he takes the cabbage with him, the wolf will eat the goat. If he takes the wolf, the goat will eat the cabbage. Only when the man is present are the goat and the cabbage safe from their enemies. All the same, the man carries wolf, goat, and cabbage across the river. How?

Answer:

A wolf does not eat cabbage, so the crossing can start with the goat. The man leaves the goat and returns, puts the cabbage in the boat and takes it across. On the other bank, he leaves the cabbage but takes the goat (i.e. the cabbage stays and the goat returns). He leaves the goat on the first bank and takes the wolf across. He leaves the cabbage with the wolf and rows back alone. He picks up the goat again and takes it across.

Points should be tallied according to, but not restricted to, the following system. "One star" if you read the problem or even any portion of the article. "Two stars" and a re-read if you were confused about the question and were fooled by the false Letterman clue. "Three stars" if you waited for the ferryman to get you to the other side. "Four stars" if you got it all done correctly. "Five stars" if you asked a law professor and he/she was stumped.

Are you mechanically inclined? Handy with electronics? Or just plain patient? Have I got a deal for you.

For Sale:

1 - Lexmark Color Jet Printer 1020, comes with color printer cartridge, power cable & USB cable.

2 - Canon BJ-5 Bubble Jet Printer. Comes with power cable, USB cable, 2 BC-01 black toner cartridges, including one never opened.

These lovely printers are Windows 95/98 compatible, and are priced at a whopping \$20 each. They both work fine, only they print slowly (a couple of pages a minute) and have a problem with the bulk paper feeder (after printing a page or two, they get jammed up due to feeder wheel issues. They are perfect if you have the patience to load paper one sheet at a time, or keep doing small jobs). It's probably a small repair job that someone handy with these things could do themselves to fix the feeder wheels, but that person isn't me. A bargain if you know what you're doing, or have more patience than I and can wait it out.

If you're interested in one or both, call me: 849-0554 and leave a message, or email lajoiek@lsa.lan.mcgill.ca Help me make space in my closet for that bulky winter parka!

October 17, 2000

N

A Visitor's Impressions

Dominic Zou Law 0

Law 0? Well, that's what we exchange students are filed under, as far as MARS is concerned. Being the regular humour writer for *Quid Novi*'s blood cousin in Singapore, *The Writz*, I had certain reactions¹ to Dean Taylor's lamentations for his lost *Quid*. So I thought I'd share a little something.

But first, as you might have noted, I've written an entire paragraph without saying anything even vaguely funny. This can be explained in two words - *cautious restraint*. Emerging from 16 years in the English-speaking Singapore education system, I had a really strong impression that I spoke English. I thought I spoke French too. Still, the truth remains that humour is a difficult thing anywhere², especially for a foreign newcomer. But enough said; my point in this whole second paragraph is that one man's humour can be another woman's poison (am I being sufficiently PC yet?).

Talking about political correctness reminds me of Human Rights and student activism. I'd just like to share the experience of Singapore law students in these two areas. Student activism in the National University of Singapore (NUS) consists largely of two things. First, the annual no-confidence EOGM voting exercise against the NUS Student Union President. Next, there's the Law Faculty's venomous kneecap-slashing at the very basis of the biggest annual campus-wide student activity³, slugging it out with the NUSSU, eventually winning the other faculties over to our side, gaining the adulation of the press and public, and leaving the Halls of Residences wallowing and withering in their own morass of cyclic competitive self-destruction. Guess what? The new NUSSU Prez is my friend from the Law Faculty.

The former, Human Rights, doesn't seem to exist in Singapore, as far as some writers like William Safire would have the world believe. In the specific context of the wheelchair-bound, NUS is certainly not a friendly place. It's more than just on the side of a mountain slope – it caps the entire ridge like an ugly concrete web. It has been publicly compared to a whole pile of train wrecks splattered over a dome, much like spaghetti. Okay, enough of these similes and metaphors already. The newer buildings are wheelchair-friendly, but not the old ones, which include the Law Faculty. Our faculty's only saving grace is that it's extremely small (along a 50-metre corridor) and, apart from its having 3 levels, is otherwise highly accessible because it's uniformly flat.

The more physically active⁴ might be wondering if we slug it out with the Medics, too. We don't. Yet. We don't even have cool names for events like the Malpractice Cup⁵. But we do have annual inter-faculty games where, without fail, every single rule of Natural Justice gets broken against us by judges, conveners, referees, organising committees, and so on⁶. We also have our own Hardcourt Soccer tournament where, instead of inviting the Medics, we invite law firms. Last year, the Attorney-General sent two teams. They both lost. They have also filed a notice of appeal. Maybe we should invite the Medics after all, and even extend the invitations to hospitals and, of course, the Judiciary. See that team from Orthopaedics? Yeah, stomp on those tibiae and fibulae! With

the magistrates and coroners filling the team of referees, what could go wrong?

Susan Ryan of LLB III made a couple of points. One was for briefer articles for the shortly-attention spanned. Might I suggest instead that writers, especially the humour-inclined, give their readers short breaks via the copious and irresponsible use of frivolous and petty footnotes⁷, à la Dave Barry. Another point was made regarding "quacking duck" questions. Well, there's no lack of such people where I come from. The difference is that *those* people have less to crow about. At least here in McGill, I get prevented from pulling my favourite one-line put-downers because the quacking ducks might actually have some specialist background, like a degree in political science, to knowledgeably make cynical (albeit trite) statements about international affairs. Not in Singapore, where law students are all undergrads. Still, I'll refrain from my urge to deliver tongue-lashings while I'm here. Or I might end up quacking⁸.

Okay, you might ask. Is this my usual writing style? Of course not, you dear silly little thing, you! I usually write better⁹. As a shameless plug, might I introduce you to *The Writz* online¹⁰, which is basically three of the latest issues scanned in bandwidth-killing .jpg format. In praise of myself, I'm proud to say my articles there are irreverent, irrelevant, and are exercises in pure fabrication. We haven't had more issues, unfortunately, since we rely on a formal, group of Writers, instead of informal, spontaneous contributions. Actually, there isn't any difference. Anyone who wants to Write is a Writer. It's just that they are fewer and Fewer, with only two to three issues a year. Now, how's *that* for a Pathetic Existence? Dean Taylor, eat your heart out!

However, I'm not writing any ode for my *Writz*. I shall return next June, with a partial, savage and highly exaggerated description of life in McGill to scare off all but the toughest and brightest exchange student wannabes.

But first, I need to get on with my homework. What, you thought I'd be enjoying a year-long 24-credits-only holiday here? That's a lie, the lie that I will tell my jealous friends back home.

¹ Sympathetic? Empathetic? Apathetic?

² Got the joke yet? Guessed not.

³ Called "Rag & Flag" where public donations are collected (Flag), and a float-building regatta-cum-competition to thank the public (Rag) using recycled materials purchased with University funds, the floats being destroyed immediately after the parade. We in the Law Faculty branded the latter an unmitigated waste, and blah blah blah, and had a good time lambasting the Halls of Residences in public.

⁴ That excludes me.

⁵ Cool names are reserved exclusively for Frosh activities! Muahahahaha.

⁶ Everybody just loves law students, right?

⁷ Like this one.

⁸ Quack, quack. Qua-a-a-a-a-a-ack!!! (Quack-quack?)

⁹ Ha ha, yeah, right.

¹⁰ <http://www.nus-lawclub.eu.org/writz.htm>



PERSONS' DAY

Tasha Lackman Law I

In honour of Persons' Day, the Women and the Law Club are hosting Coffee House on October 19. Proceeds will go to a Montreal non-government organization that work with women. We would love to see you there.

But what is Persons' Day, and what does it have to do with women? Isn't it obvious that women are persons? In lay persons' language, this question is undoubtedly absurd. Of course women are persons. In legal language in the 20th Century the question seems just as abhorrent, but merely 70 years ago, *Edwards v. Attorney-General for Canada*, [1930] A.C. 124 went all the way to the House of Lords (on appeal from the Supreme Court of Canada), asking this precise question relating to if women are "qualified persons" to be called to the Senate. Luckily, the House of Lords reversed the decision of the Supreme Court (made unanimously!), and held that women are persons, and are eligible to be summoned to and become members of the Senate.

The first argument for excluding women was that women are under a disability by reason of their sex to hold public office - except in some exceptional cases - in the common law. This means that they were considered incapable of exercising the functions required of them in public office. The assumption is based on a different time and place. A key idea in this case is the argument that although tradition and customs can become stronger than the law, we must allow them to be dynamic and flexible in changing social contexts. Thus, the famous statement that "the British North America Act planted in Canada a living tree capable of growth and expansion within its natural limits" (at p. 136).

The second point was that the British North America Act of 1867 restricted the word persons to the male sex, in relation to the section relating to the Senate, even when interpreted as a whole. By closely examining history, we see that women in Canada have been denied - both expressly and implicitly - the right to participate in public life, for example in the right to vote and in holding public office. It wasn't until the period between 1916 and 1922 that women became included in the class of person who could vote both in Provincial (except Quebec) and Federal elections. This occurred through legislation which removed the express indication that only "male persons" could vote. It is this difference between the express and implicit exclusion that interests the House of Lords. They conclude that because there is no express exclusion in the case of the Senate, that women should in fact be included in the meaning of the word persons.

Each of these steps and victories, both small and large, lead women towards greater equality in our society. As (young) women today, with many opportunities, I think that we must recognize and honour the women who came before us, and fought the fights that give us the rights we have today. But the battle is not over. We have new or more subtle issues to confront, and must continue where our foremothers left off.

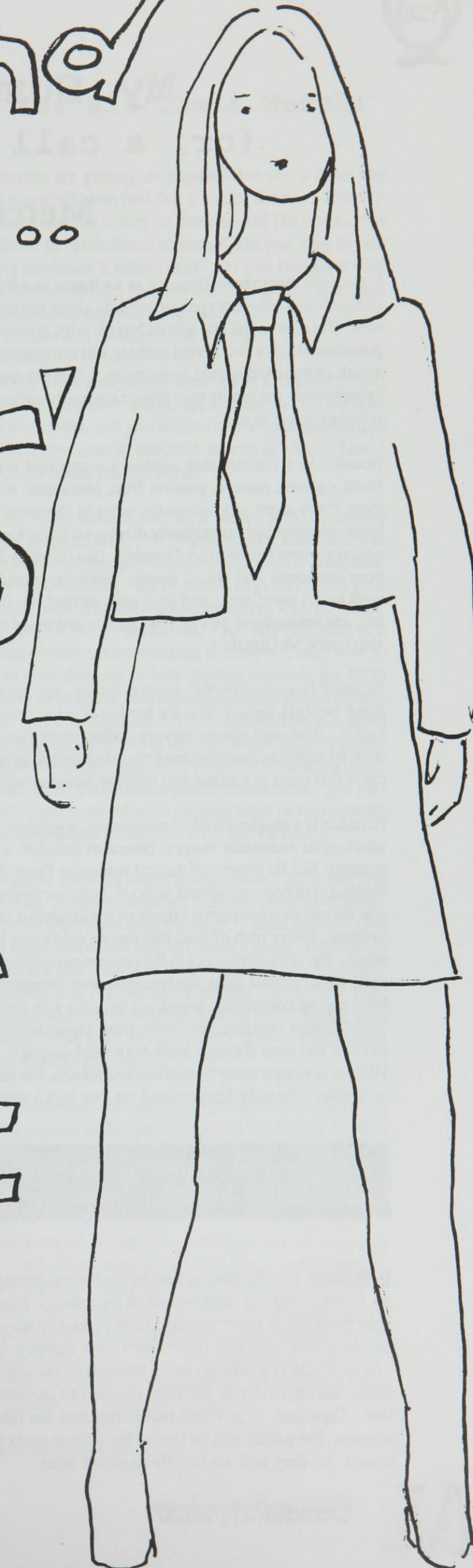
**The *Quid* loves you but do
you love the *Quid*?**

submit next week to the theme of MUSIC.....

Women and
the Law...

PERSONS'
DAY
COFFEE
HOUSE

Oct. 19
in the Atrium





My Summer in Ecuador

(or, a call for thoughtful debate)

Mercedes Perez LLB III

I spent the summer in Ecuador as an intern at a human rights organization. I have not spoken publicly about my experiences until now. But now as the law school buzzes with controversy over two pointless articles that reveal nothing but arrogance, bad taste, and a well-entrenched sexual immaturity, I feel the need to share my experiences - the timing may appear strange but after much thought, it makes sense to me.

Ecuador is a country that produces a splendid array of tropical fruits - guava, papaya, passion fruit, pineapple, mango - yet almost every store and restaurant, even in the most remote of villages, proudly and prominently displays a Coca-Cola logo. It is a country where eating at McDonald's, like drinking a Coke, signals your economic and social status. Security personnel, equipped with bullet proof vests and shot guns protect not only banks, hotels, car dealerships, private universities and many restaurants, but also every McDonald's.

Ecuador is a country that exports coffee, yet most Ecuadorians drink Nescafe instant. You are hard-pressed to find a good cup of coffee. The only places serving coffee made through a filter or with an espresso machine are expensive hotels, or restaurants and cafes that cater to tourists and wealthy Ecuadorians.

Ecuador is a magical land of rainforests, waterfalls, cloud forests, spectacular mountain ranges, beautiful beaches, and long rainy seasons. But its bounty of natural resources faces the unrelenting onslaught of bad ecotourism policies, hungry extractive industries, and the sad environmental effects of a widespread and debilitating poverty. Every inch of land that can be cultivated has been cultivated. The land, especially in the Andean part of the country, looks tired. In the coastal areas, the once abundant mangrove forests have been almost completely wiped out to make way for shrimp farms. The Amazon continues to suffer from rapid deforestation. Four days of trekking through knee-high mud to reach remote Shuar villages revealed many butterflies and insects, but not a single bird or reptile. The only furry animal we saw was a small deer.

And we in law school should not become obsessed with pointless, childish provocations but instead should remember that there are real issues that need to be thought about.

In Ecuador, tourists have access to the natural beauty of the country in ways that are inaccessible to the average Ecuadorian. The only Ecuadorian I met who had been to the Galapagos was an ex-career soldier who had flown there on a military flight for free. The new austerity reforms being pursued by the country's government, and approved by the IMF, threaten to exacerbate the situation. They seek to privatize public beaches and other natural resources. The public will be barred from these areas for the simple reason that they will not be able to afford them.

Ecuador is a place where everyone travels by bus, except a small elite that can afford to travel by air. The few railway connections are prohibitively expensive for locals. In fact, the trains run almost exclusively for tourists. It is a place where foreigners, armed with the latest malaria medication and strengthened by typhoid and yellow fever vaccines, can visit the coastal areas or the Amazon in relative safety. Most Ecuadorians are not so lucky. In just three months, I personally knew of four locals who contracted either dengue fever or malaria after spending a few days on the beach.

In the island town of Muisne, located in the northern Esmeraldas region, I saw the worst manifestations of extreme poverty. There was no sewage system, barefoot children begged for money, food rotted in the streets, garbage clogged public spaces. Surprisingly, every dilapidated house had a TV.

Ecuador is a place where the former President was removed from office this past January by a strange alliance forged between mid-level army officers and the country's powerful indigenous movement. The popular uprising came on the heels of corruption scandals, hyperinflation, a controversial government bail-out of defaulting banks, the dollarization of the economy, and growing popular perceptions that democracy is too narrow.

The former President is now rumoured to be hiding at Harvard while the courts in Ecuador debate whether his extradition should be sought. The new President has chosen to continue with the dollarization of the economy and with austerity measures that have seen the price of fuel, gas, and electricity rise drastically over the last few months. His actions were met by a collective international sigh of relief even though struggling Ecuadorians are not generally so optimistic.

Ecuador is a country where teachers went on strike this summer, demanding wage increases to about \$180 per month and protest-

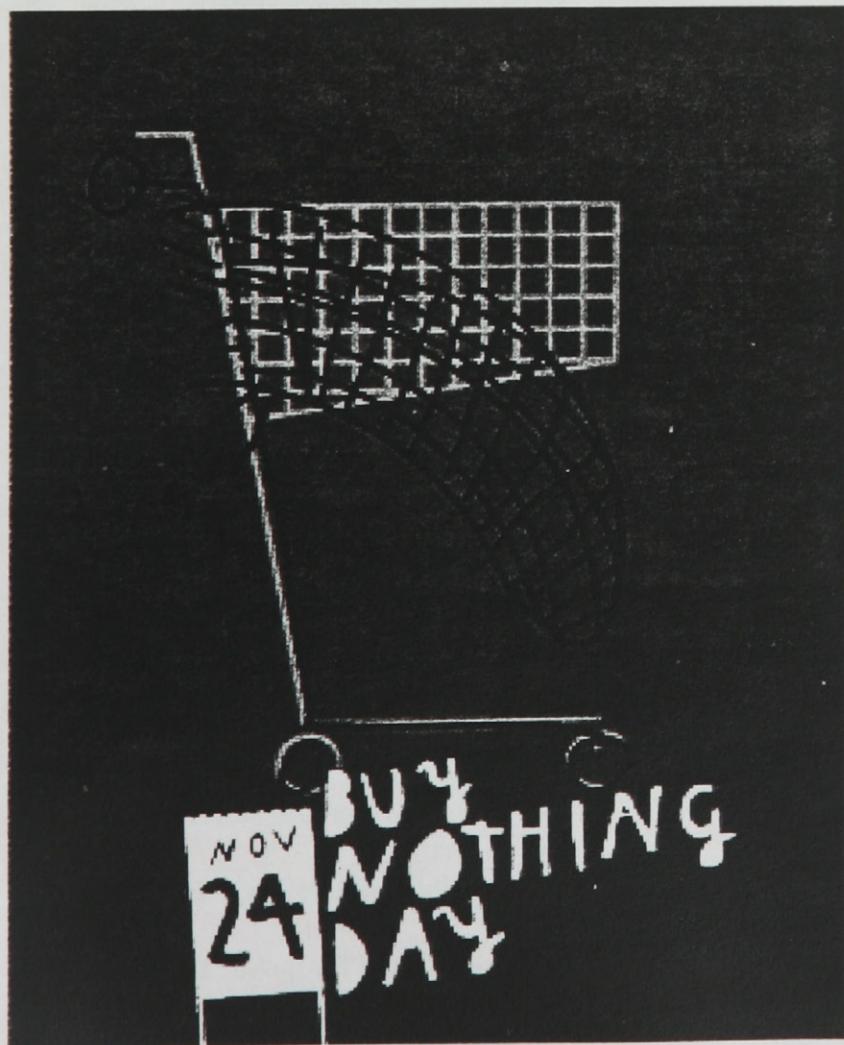
ing against the creeping privatization of the education system. Frustrated by the lack of government response, many went on hunger strikes, writing out their demands with their own blood. In a country where the press is anything but independent, public perceptions are easily manipulated and teachers returned to work essentially under the same conditions as before.

continued on next page

Ecuador is a country where the words "criminal delinquency" have conveniently replaced the word "poverty". It is a place where the demographics of the prison population attest to processes that undeniably signal the criminalization of poverty. In Quito, there are only 5 public defenders available for the entire prison population. Drug laws are so tough that getting caught with a few joints of marijuana means you face up to 10 years of prison unless you can prove that you weren't trafficking, that these were for your own consumption - a dangerous undermining of the presumption of innocence and a reversal of the burden of proof, as any first year law student knows. These laws are unconstitutional but the constant threat of de-certification by the United States keeps them on the books.

I attended a workshop at which a farmer spoke eloquently about the need for average Ecuadorians to regain control over their collective destinies. He told me "here in this place we die of hunger yet we have everything."

As I sit in Montreal now and re-visit the recent past, I am at a loss to explain the things that I have seen. Not because I cannot understand the systemic fallacies that have produced the current state of affairs in which 80% of the world's population struggles just to survive, while the rest of us worry if our largely fabricated "needs" are being met. But because I was naive enough to think that the rest of us cared. We cannot continue to ignore the fact that their poverty is a function of our wealth. And we in law school should not become obsessed with pointless, childish provocations but instead should remember that there are real issues that need to be thought about. I don't support censorship, and I do think that these infamous articles merit a response and I thank everyone who chose to do so in a direct manner - but please, let's remember why we are here.



see: www.adbusters.org for more info

Sue 'em For All Their Worth!

Do you feel lawyers are grossly underpaid? Are you a latter-day Robin Hood in a suit? Do you feel that a victim deserves \$60 million in damages for spilling coffee on themselves? Do you ascribe a heroic athleticism to "ambulance chasers?" Do you long to sink your teeth into a tortfeasor's tender flesh? Do you find fault with No-fault? Do you want to help obstruct tort reform? Do you think the Canadian Bar should legalize contingency fees? If so, the *Association of Trial Lawyers of America* is for you!

The *Association of Trial Lawyers of America* is a voluntary trial bar association with a membership of approximately 58,000 lawyers, judges, law students, and professors from across Canada and the United States. They recently solicited interest at McGill Law. I want to establish a student chapter here.

Why join ATLA? Class teaches you legal basics. ATLA provides exposure to legal practice. ATLA complements law school education by offering students legal publications, educational programs, and networking opportunities – all of which help you place your career on the right path. Student members receive *TRIAL Magazine* and *THE ADVOCATE* Publication. *THE ADVOCATE* is a case reporter that covers groundbreaking decisions. Learn how to recover for Mad Cow Disease or how Florida smokers got \$550 million in punitive damages or how to launch a class action against McGill Law for "loss of consortium." ATLA membership also gives you access to a very large job listing service, which posts opportunities from around North America. ATLA offers scholarships (read: money). You can attend conferences (read: connections), and participate in online forums on subjects ranging from environmental law to medical malpractice (read: help with that factum!).

ATLA is the biggest, meanest lobby group around. Trial lawyers are bigger than Big Tobacco, mightier than the defense contractors, more stupefying than the drug industry... Trial lawyers give almost twice as much as the next largest industry group. That means they influence policy and draft law! When ATLA snaps its fingers, MPs, Congressmen, and Presidents sit up and listen. Last year, President Clinton delivered the keynote address at the annual conference in Chicago. This year, as luck would have it, the convention takes place in MONTREAL.

Why does McGill Law need another club, you ask? The law school already has many clubs dedicated to making the world a better place. ATLA makes the world a more *interesting* place. ATLA will be McGill Law's first *professional* organization. In other words, we won't just sit around and bake brownies like the other clubs...

For more information or to purchase a membership directly visit www.atla.org. Click on the search button, and type "student membership." When you reach the page, fill in the blanks. Be sure to check the box that says you are enrolling through the student chapter. Student membership costs US\$25 (around 40 Canadian Pesos, which is less than most of you will spend next weekend on beer). If you are interested, please email at mikj@lsa.lan.mcgill.ca me or give me a call (see Bottin). Take care or beware!

Acting-President Joe Mik, Law II

le 17 octobre 2000

N

CAREER & PLACEMENT

1) East-West Recruitment Process

Just a reminder : the deadline to apply is Thursday, October 26th, 2000 at noon at CPO. If you choose to participate, you need to submit your CV + cover letter + transcripts. The list of firms participating in the recruitment process is available at the Placement Office.

2) Area of Practice Dinners Series

The CPO is happy to launch its 2000-2001 Series. Our first host will be Me Marc-André Blanchard from Gowling Lafleur Henderson. Maître Blanchard specializes in communications/internet law. He also represents Radio-Canada where he is regularly invited to comment on issues related to communications. He is very much looking forward to meeting with McGill students.

For those of you who are new to the formula only 7 students will have the pleasure to participate in the dinner. It is on a first come first served basis. In order to get your ticket you need to register and pay the fee (\$10) at the CPO. The dinner will take place in the Council Room at the Faculty Club on Monday, Nov. 6th, 2000.

3) « Upcoming Attractions »

The Placement office is planning the following events :

-An information session on summer jobs abroad in the area of human rights (scheduled for early November – date TBA)

-2 Career Days : more than 40 firms will be there to answer your questions on both occasions

The 2001 Edition - Montreal Career Day : Tues., Jan. 23rd, 2001

The 2001 Edition – Ontario Career Day : Monday, Feb. 5th, 2001

4) Weekly postings

-Édilex, Maison d'Édition du Système de documentation juridique, est à la recherche d'étudiants en 2e ou 3e année afin de faire de la recherche pour la mise à jour de sa publication « Formulaire de Droit Commercial ». Exigences requises : Formation en droit commercial, excellent français écrit, bilinguisme (anglais, français).

Coordonnées : Édilex
a/s Myrienne Mailhot
2550, boul. Daniel-Johnson, 7e étage
Laval (Québec)
H7T 2L7
Téléc. : 745-5449
Courriel : mailhot@lavocat.com

-Human Rights Internet is pleased to open its Summer internship in Ottawa to McGill Students. The internship is designed to provide an intern with work experience that will assist in his/her career development within the field of humanitarian and international law. For more information, visit the HRI Website at www.hri.ca or call (613) 789-7407.

-CANADEM is currently recruiting graduates for Humanitarian Missions in Bosnia Herzegovina with the Organization for Security and Cooperation in Europe (OSCE) & the International Organization for Migration (IOM). Interested candidates who meet the eligibility criteria should forward a copy of their résumé accompanied by a cover letter to the CANADEM internship coordinator :

Contact : Francisco Francoli, Coordinator
CANADEM
1 Nicholas, no. 1102
Ottawa ON K1N 7B7
Tel. : (613) 789-3328
Fax : (613) 789-6125
E-mail : francoli@canadem.ca
Web : www.canadem.ca

-The Federal Student Work Experience Program (FSWEP) is currently accepting applications. Law students in their first, second or third year may apply for employment with the Department of Justice through the federal government's Student Work Experience Program. This program places students in career-related jobs within federal departments and agencies. There are positions open in the National Capital Region (Ottawa-Hull), as well as Justice regional offices located in Edmonton, Calgary, Halifax, Montreal, Toronto, Saskatoon, Vancouver, Whitehorse, Winnipeg and Yellowknife. Students must be registered with FSWEP at the Public Service Commission. You can apply on-line or obtain a kit at CAPS. For Toronto, there is a special procedure. Pay rates are established by the Treasury Board. Aboriginal persons, members of visible minorities and persons with disabilities are encouraged to apply. Check the Website : <http://canada.justice.gc.ca>.

Fast growing multi-media company requires 2-3 part-time legal assistants to research Canadian and American case law and write case summaries. Must have good writing skills. Transmission is done by e-mail. The researcher is free to determine his or her own schedule. If interested, send your résumé and cover letter to Claire Bernstein, haika@total.net. If you do creative writing, send along a short excerpt.

FOR MORE INFORMATIONS ON THE POSTINGS, PLEASE CHECK THE BOARDS

5) Information for unmatched students (for the 2001-2002 articling term – Ontario)

The following firms have positions available after the match that they wish to make known to unmatched students:

Brown & Burnes
City of Toronto
Hicks Morley Hamilton Stewart Storie, LLP
Owens, Wright
Toronto Hydro-Electric System Limited

Check the Board for instructions on how to contact firms.

CAREER & PLACEMENT

EMPLOIS À TEMPS PARTIEL

COMMISSION DU DROIT DU CANADA

Description:

Le programme des étudiants de la Commission du droit du Canada vise à engager un maximum de quatre (4) étudiant(e)s de niveau universitaire pour faire des recherches à temps partiel pour la Commission pendant l'année académique. La distribution et la remise des travaux seront effectuées par courriel et téléphone, permettant à la Commission d'engager des étudiant(e)s à travers le pays.

Le concours est ouvert à tous les étudiant(e)s des Facultés de droit et de sciences humaines et sociales au Canada qui ont complété au moins un an d'études.

Nature du travail :

La Commission poursuit des recherches sous quatre thèmes généraux : les rapports personnels, les rapports sociaux, les rapports économiques et les rapports de gouvernance. Les projets en cours, sur lesquels les étudiant(e)s pourraient être appelé(e)s à travailler, incluent : un rapport sur la reconnaissance et le soutien des rapports de nature personnelle entre adultes; la justice réparatrice et son application dans les domaines criminel et civil; les changements dans les relations de travail; et un examen des conditions qui aident à bâtir des communautés dynamiques.

La Commission entreprend toute sa recherche avec une approche multidisciplinaire. Elle essaie d'examiner les questions sociales sous leurs aspects sociologique, psychologique, économique et politique tout autant que juridique afin de pouvoir proposer des approches qui conviennent mieux aux besoins des citoyens. Ceux et celles qui s'intéressent à la Commission trouveront de plus amples renseignements sur son site Web au www.cdc.gc.ca.

Modalités:

La Commission choisira les étudiant(e)s en fonction de trois critères : leur curriculum vitae, une photocopie de leurs notes dans leur programme universitaire actuel et une brève lettre (maximum deux pages) exprimant les raisons pour lesquelles l'étudiant(e) aimerait travailler pour la Commission. **La date d'échéance pour soumettre ces trois documents est le 13 octobre à 16h30 (heure d'Ottawa).** La Commission rendra sa décision au début novembre.

S.V.P. envoyez votre demande d'emploi (par courriel, poste ou fax) à :

Susan Zimmerman Directrice de la recherche Commission du droit du Canada 11^e étage,
473, rue Albert Ottawa ON K1A 0H8 info@cdc.gc.ca télécopieur : (613) 946-8988

le 17 octobre, 2000

THE CAREER PLACEMENT OFFICE
IS PLEASED TO ANNOUNCE ITS 2000-2001

AREA OF PRACTICE
DINNER SERIES

THE PLACEMENT OFFICE WILL INVITE A LAWYER TO TALK ABOUT
HIS/HER AREA OF PRACTICE OVER A ROUNDTABLE DINNER
SERVED AT THE FACULTY CLUB.

ONLY 7 SEATS AVAILABLE

RESERVATIONS MANDATORY

WE WILL ACCEPT BOOKINGS IN PERSON ONLY
ON FIRST COME / FIRST SERVE BASIS
(NO TELEPHONE OR E-MAIL BOOKINGS ACCEPTED)
PLACEMENT OFFICE, OCDH, Room 42

COST FOR THE DINNER: 10\$
THIS INCLUDES: MEAL, WINE,
AND PRIVATE DISCUSSION WITH OUR GUEST

FIRST DINNER OF THIS SERIES:

MONDAY, NOVEMBER 6TH, 7:00 pm
AREA OF PRACTICE: COMMUNICA-
TIONS/INTERNET LAW OUR GUEST:
Me Marc-André Blanchard
Gowling Lafleur Henderson

SECOND DINNER OF THIS SERIES:

TUESDAY, FEBRUARY 6TH, 7:00 PM
AREA OF PRACTICE: ENTERTAINMENT LAW
OUR GUEST Me THIERRY CARRIÈRE
UNION DES ARTISTES/GOWLING LAFLEUR HENDERSON